

**COPY**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application**

**Inventor(s):** David Caplan and Charles E. Taylor

**SC/Serial No.:** 09/721,001

**Confirm. No.:** 5266

**Filed:** November 22, 2000

**Title:** MODULAR RACK FOR COMPACT DISCS

**PATENT APPLICATION**

**Art Unit:** 3634

**Examiner:** Tran, K.

**Customer No. 23910**

**DECLARATION FOR C-I-P PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below), original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention of the **present application**:

Title of invention and of **present application**:

**MODULAR RACK FOR COMPACT DISCS**

The specification of the **present application** (check applicable ones):

\_\_\_\_\_ is filed herewith;

☒ was filed with the above-identified "Filed" date and "SC/Serial No."

☒ was amended on (or amended through) May 14, 2002.

I have reviewed and understand the contents of the above-identified specification for the **present application**, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the examination of the **present application** in accordance with Title 37, Code of Federal Regulations, §1.56.

This present application in part discloses and claims subject matter disclosed in, and I hereby claim the benefit under Title 35, United States Code §120 of any United States prior application(s) listed below:

(1) <u>09/240,308</u> (SC/Serial No.)	<u>January 29, 1999</u> (Filing Date)	<u>Abandoned (parent)</u> (Status-pending, patented, abandoned)
(2) <u>09/625,228</u> (SC/Serial No.)	<u>July 24, 2000</u> (Filing Date)	<u>Pending (C-I-P of parent)</u> (Status-pending, patented, abandoned)

Insofar as the subject matter of each of the claims of the present application is not disclosed in the United States prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations §1.56 which occurred between the filing date(s) of the prior application(s) and the national or PCT international filing date of this present application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the present application or any patent issuing thereon.

(1) Full name of sole  
or first inventor: David Caplan

(1) Residence: 16029 S. 10<sup>th</sup> Place  
Phoenix, AZ 85048

(1) Mailing Address: 650 Davis Street  
San Francisco, CA 94111

(1) Citizenship: United States

(1) Inventor's signature: David Caplan

(1) Date: May 15, 2002

\*\*\*\*\*

(2) Full name of second  
joint inventor: Charles E. Taylor

(2) Residence: 446 West Street  
Sebastopol, CA 95472

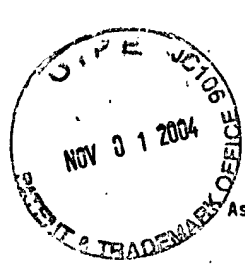
(2) Mailing Address: 650 Davis Street  
San Francisco, CA 94111

(2) Citizenship: United States

(2) Inventor's signature: Charles E. Taylor

(2) Date: 5/15/2002

\*\*\*\*\*



DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled MODULAR RACK FOR COMPACT DISCS, the specification of which

☐ is attached hereto.

(check one)

☒ was filed on 24 July 2000 as  
Application Serial No. 09/625,228  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>09/240,308</u> (Application Serial No.)	<u>29 January 1999</u> (Filing Date)	<u>pending</u> (Status) (patented, pending, abandoned)
_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status) (patented, pending, abandoned)

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Harold C. Hohbach, Reg. No. 17,757; Aldo J. Test, Reg. No. 18,048; Donald N. MacIntosh, Reg. No. 20,316; Jerry G. Wright, Reg. No. 20,165; Edward S. Wright, Reg. No. 24,903; David J. Brezner, Reg. No. 24,774; Richard E. Backus, Reg. No. 22,701; James A. Sheridan, Reg. No. 25,435; Robert B. Chickering, Reg. No. 24,286; Richard F. Trecartin, Reg. No. 31,801; Steven F. Caserza, Reg. No. 29,780; Michael A. Kaufman, Reg. No. 32,998; Edward N. Bachard, Reg. No. 37,085; R. Michael Ananian, Reg. No. 35,050; Stephen M. Knauer, Reg. No. 38,208; David C. Ashby, Reg. No. 36,432; Robin M. Silva, Reg. No. 38,304; provided that if any one of said attorneys ceases being affiliated with the law firm of Flehr Hohbach Test Albritton & Herbert LLP as partner, employee or of counsel, such attorney's appointment as attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

Direct all telephone calls to Michael A. Kaufman at (415) 781-1989.

Address all correspondence to:

FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP  
Four Embarcadero Center - Suite 3400  
San Francisco, California 94111-4187

File No. A-67467-2/RBC/MAK

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or  
first inventor:

David CAPLAN

Inventor's signature:

Date:

Residence:

Citizenship:

Post Office Address:

David Caplan  
9-26-00  
4404 South Sixth Street, Las Vegas, Nevada 89104

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4404 South Sixth Street, Las Vegas, Nevada 89104

16029 S. 10TH PLACE  
PHOENIX, AZ 85048 (DC)  
PHOENIX, AZ 85048

Full name of second joint  
inventor, if any:

Charles E. TAYLOR

Inventor's signature:

Date:

Residence:

Citizenship:

Post Office Address:

Charlie E Taylor  
9-26-2000  
446 West Street, Sebastopol, California 95472

U.S.A.

446 West Street, Sebastopol, California 95472

Full name of third joint  
inventor, if any:

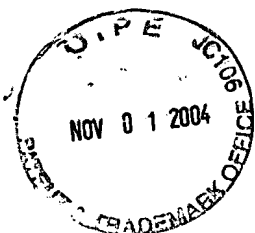
Inventor's signature:

Date:

Residence:

Citizenship:

Post Office Address:



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

JANUARY 08, 2001

PTAS

FLEHR HOHBACH TEST ALBRITTON & HERBERT  
MICHAEL A. KAUFMAN  
FOUR EMBARCADERO CENTER - SUITE 3400  
SAN FRANCISCO, CA 94111-4187



\*101512407A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 10/23/2000

REEL/FRAME: 011212/0698  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

CAPLAN, DAVID

DOC DATE: 09/26/2000

ASSIGNOR:

TAYLOR, CHARLES E.

DOC DATE: 09/22/2000

ASSIGNEE:

SHARPER IMAGE CORPORATION  
650 DAVIS STREET  
SAN FRANCISCO, CALIFORNIA 94111

SERIAL NUMBER: 09625228

FILING DATE: 07/24/2000

PATENT NUMBER:

ISSUE DATE:

ANTIONE ROYALL, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

MRO  
FORM PTO-1595  
1-31-92  
K-23-00



11-09-2000



U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

101512407

To the Honorable Assistant Commissioner for Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):  David CAPLAN and Charles E. TAYLOR  Additional name(s) of conveying party(ies) attached? [ ] Yes [✓] No	2. Name and address of receiving party(ies): Name: SHARPER IMAGE CORPORATION  Internal Address: _____  Street Address: 650 Davis Street City: San Francisco State: California Zip: 94111 Country: U.S.A. Additional name(s) & address(es) attached? [ ] Yes [✓] No
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4. Application number(s) or patent number(s):  
If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s)  09/625.228	B. Patent No.(s)    Additional numbers attached? [ ] Yes [✓] No
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5. Name and address of party to whom correspondence concerning document should be mailed:  Name: Michael A. KAUFMAN Internal Address: FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP  Street Address: Four Embarcadero Center - Suite 3400 City: San Francisco State: California Zip: 94111-4187	6. Total number of applications and patents involved: 1  7. Total fee (37 CFR § 3.41):...\$ 40.00  [✓] Enclosed [ ] Authorized to be charged to deposit account  8. Deposit account number: 06-1300  Please debit any underpayment or credit any overpayment to the above deposit account. Our Order No. A-67467-2/RBC/MAK (Attach duplicate of this page if paying by deposit account)
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9. Statement and signature.  
*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Michael A. KAUFMAN Name of Person Signing	<i>Michael A. Kaufman</i> Signature	19 October 2000 Date
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Total number of pages including cover sheet, attachments and document: [ 3 ]

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Honorable Commissioner of Patents and Trademarks  
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Washington, DC 20231

File No. A-67467-2/RBC/MAK

Rev. 8/93 (39811)  
SF-1033284v1

## ASSIGNMENT

WHEREAS, the undersigned,

(1) David CAPLAN, (2) Charles E. TAYLOR,

(hereinafter termed "Inventors"), residents of

(1) ~~Las Vegas~~ PHOENIX ~~-DC~~, (2) Sebastopol,

respectively, Counties of

(1) ~~Clark~~ MARICOPA ~~-DC~~, (2) Sonoma,

respectively, States of

(1) ~~Nevada~~ ARIZONA ~~-DC~~, (2) California,

respectively, have invented certain new and useful improvements in

MODULAR RACK FOR COMPACT DISKS

(Accompanying application)



and have executed concurrently herewith an application for a United States patent disclosing and identifying the invention;

(Not accompanying application)



for which an application for a United States Patent was filed on 24 July 2000,  
having Application Number 09/625,228.

and

WHEREAS,

Sharper Image Corporation, a corporation of the State of Delaware,  
having a place of business at 650 Davis Street, San Francisco, California 94111

(hereinafter termed "Assignee"), is desirous of acquiring the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, inventor's certificates and other forms of protection (hereinafter termed "patents") thereon granted in the United States and foreign countries.

NOW, THEREFORE, in consideration of good and valuable consideration acknowledged by said Inventors to have been received in full from said Assignee:

I. Said Inventors do hereby sell, assign, transfer and convey unto said Assignee, the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply for foreign patents on said invention pursuant to the International Convention for the Protection of Industrial Property or otherwise; (c) in and to any and all applications filed and any and all patents granted on said invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a division, substitution, or continuation of any of said applications; and (d) in and to each and every reissue or extensions of any of said patents.



2. Said Inventors hereby jointly and severally covenant and agree to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right title and interest herein conveyed in the United States and foreign countries. Such cooperation by said Inventors shall include prompt production of pertinent facts and documents, giving of testimony, execution of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for prosecuting any of said applications; (c) for filing and prosecuting substitute, divisional, continuing or additional applications covering said invention; (d) for filing and prosecuting applications for reissuance of any said patents; (e) for interference or other priority proceedings involving said invention; and (f) for legal proceedings involving said invention and any applications therefor and any patents granted thereon, including without limitation opposition proceedings, cancellation proceedings, priority contests, public use proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Inventors in providing such cooperation shall be paid for by said Assignee.

3. The terms and covenants of this assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Inventors, their respective heirs, legal representatives and assigns.

4. Said Inventors hereby jointly and severally warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, the said Inventors have executed and delivered this instrument to said Assignee this

(1) 26 day of September, 2000.

(2) 22 day of September, 2000.

respectively.

(1) David Kaplan  
(inventor)

(2) Charles E. Tj  
Inventor